

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**F042830      People v. Tomlin**

To the extent the record reflects any finding or term imposed for the section 12022.53, subdivision (b) enhancement charged as to count III, that finding and/or term is stricken. The concurrent sentence imposed for counts VI and VII are stayed pursuant to section 654.

In all other respects, the judgment is affirmed. Harris, Acting P.J.

We concur: Gomes, J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F038075      Alberta et al. v. Novak**

The judgment is affirmed. Costs to respondents. Harris, Acting P.J.

We concur: Gomes, J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F043332      Baxter v. Turlock Health and Fitness Center, Inc.**

The judgment is affirmed. Costs are awarded to plaintiff. Wiseman, J.

We concur: Buckley, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F043152      In re Gustavo S., a Minor**

The matter is remanded to the juvenile court with directions to determine whether an evaluation of Gustavo's special educational needs should be conducted, with the court's findings to be forwarded to the director or other person in charge of the institution where Gustavo is committed. In all other respects, the court's disposition order is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F045622      Payne v. Gutierrez**

IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

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